

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION

|                              |   |                      |
|------------------------------|---|----------------------|
| EQUAL EMPLOYMENT OPPORTUNITY | ) |                      |
| COMMISSION,                  | ) | CIVIL ACTION NO.     |
|                              | ) |                      |
| Plaintiff,                   | ) | 3:18-CV-0101         |
|                              | ) |                      |
| v.                           | ) | Judge Campbell/Brown |
|                              | ) |                      |
| WEST MEADE PLACE LLP, d/b/a  | ) |                      |
| THE HEALTHCARE CENTER AT     | ) |                      |
| WEST MEADE PLACE,            | ) |                      |
|                              | ) |                      |
| Defendant.                   | ) |                      |

---

**PLAINTIFF EQUAL EMPLOYMENT OPPORTUNITY COMMISSION'S  
MOTION TO EXCLUDE DR. HASHMAT'S OPINION ON DISABILITY**

---

Plaintiff Equal Employment Opportunity Commission moves under Federal Rules of Evidence 401, 402, and 403 to bar Defendant West Meade Place LLP from offering or eliciting any testimony regarding the opinion of Dr. Aisha Hashmat, M.D., a fact witness, on whether Carma Kean is disabled under the Americans with Disabilities Act. The Commission moves to exclude evidence and testimony regarding whether Dr. Hashmat thinks Carma Kean meets the definition of "disabled" because the testimony lacks any probative value, would unfairly prejudice the Commission, and would mislead the jury. For the reasons stated above, the Commission respectfully requests that the Court grant its motion.

A proposed Order is submitted with this motion.

Respectfully submitted,

SHARON FAST GUSTAFSON  
General Counsel

GWENDOLYN YOUNG REAMS  
Associate General Counsel

FAYE A. WILLIAMS  
Regional Attorney  
TN Bar No. 011730

MARKEISHA K. SAVAGE  
Trial Attorney  
TN Bar No. 024693

s/ Mark Chen  
MARK CHEN  
Trial Attorney  
TN Bar No. 014268

EQUAL EMPLOYMENT OPPORTUNITY  
COMMISSION  
Nashville Area Office  
220 Athens Way, Suite 350  
Nashville, TN 37228-9940  
(615) 736-5784  
[mark.chen@eeoc.gov](mailto:mark.chen@eeoc.gov)

**CERTIFICATE OF SERVICE**

I certify that on October 21, 2019 a copy of the foregoing was filed electronically.  
Notice of this filing will be sent by operation of the Court's electronic filing system to all  
parties indicated on the electronic filing receipt.

Stephen W. Elliott (TN BPR 020062)  
**HOWELL & FISHER, PLLC**  
Court Square Building  
300 James Robertson Parkway  
Nashville, TN 37201-1107

*Attorney for Defendant*

s/ Mark Chen  
Mark Chen